

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed November 16, 2009. Claims 1-9 and 11-21 were rejected. The claims have been amended to present the rejected claims in a better form for consideration on appeal under 37 CFR § 1.116(b)(2).

Claims 1-21 were originally presented. Claim 10 was previously cancelled. Claims 1-9 and 11-21 remain in the application. Claims 3 and 19 have been canceled without prejudice in this response. Claims 1, 4-7 and 21 have been amended.

Substance of Examiner Interview

A phone interview was held with the Examiner on March 23, 2010. Chris Johnson discussed the element of claim 1 of "removing the plurality of flags after a predetermined display period to eliminate the healing field from the location", and emphasized the non-permanence of the display, in contrast to the prior art. Additional differences of the present claims were discussed with respect to the prior art. The Examiner agreed to discuss the matters with his supervisor. No agreement with respect to the 35 USC 101 and 103 rejections was made after the Examiner talked with his supervisor.

Claim Rejections - 35 U.S.C. § 112

Claims 1-9 and 11-21 stand rejected under § 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the claims were rejected for containing the language "flags being arranged so as to stimulate an emotional response". This language has been removed from the claims to further clarify the claim language. The language was replaced with the limitations recited in dependent claim 3, reciting that the flags in the field of flags are positioned in a predetermined pattern. Claim 3 has been canceled without prejudice. Dependent claims 4-7, which were dependent on claim 3, have been amended to change their dependencies to claim 1. Independent claim 19 has been canceled.

The Office Action also asserts that the language "designed to educate" is indefinite.

Independent claims 1 and 21 recite

identifying a charitable cause in need of funding; ...

providing the plurality of flags to comprise a healing field that is, at least in part, expressive of the charitable cause;

linking a display of the healing field to the charitable cause in need of funding by carrying out a public awareness campaign designed to educate others;

These limitations are clearly supported in the specification. Specifically, the specification states:

"Linking a display of the healing field to the charitable cause can involve educating the public about the charitable cause and how the healing field relates to that charitable cause. For example, a bank may sponsor a healing field representing a historical event, such as child abuse. People entering the bank may see advertisements in the bank concerning child abuse, with a plea to donate to the cause by sponsoring a flag that will appear in the healing field. Over time, tens to tens of thousands of sponsors may sign up to sponsor a flag, depending on the charitable cause, the size of the campaign, and other factors. ***The sponsors may then educate their friends, neighbors, and family on the charitable cause and its association to the healing field.*** The healing field may also be linked to the charitable cause by educating people through other forms of media such as radio, television, posters and signs in businesses, churches, clubs, public places, and any other form of communication that can educate the public. Sponsors may even go door to door, educating people and businesses about the field of flags and what it represents. Sponsorship of flags in the healing field is not limited to individuals. Churches, clubs, organizations, businesses, and corporations can sponsor single flags or groups of flags."

Thus, the limitation in claims 1 and 21 of "linking a display of the healing field to the charitable cause in need of funding by carrying out a public awareness campaign designed to educate others" is clearly taught sufficient to particularly point out and distinctly claim the subject matter.

In view of the amendments made to the claims and the clarification provided above, Applicant respectfully submits that claims 1, 2, 4-9, 11-18, 20 and 21 are allowable, and urges the Examiner to withdraw the rejections under 35 U.S.C. § 112 in accordance with 37 C.F.R. § 41.33(a) and § 1.116(b)(2).

CONCLUSION

In light of the above, Applicant respectfully submits that pending claims 1, 2, 4-9, 11-18, 20 and 21 are now in a better condition for appeal. Applicant respectfully requests that the amendments be entered to place the claims in a better form for appeal under 37 C.F.R. § 41.33(a) and § 1.116(b)(2). If any questions regarding the amendments made to overcome the 35 USC 112 rejection remains, the Examiner is strongly encouraged to contact the undersigned so that such matters may be resolved as expeditiously as possible.

No claims were added. Therefore, no additional fee is due.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 16th day of July, 2010.

Respectfully submitted,

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